IN THE SUPREME COURT OF THE STATE OF MONTANA

ATE OF MONTANA

CLERK OF THE SUPREME COURT
STATE OF MONTANA

No.

STATE OF MONTANA,

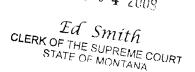
v.

Plaintiff and Appellee,

FILED

DAVID RICHARD MAPLES,

Defendant and Appellant.



NOTICE OF APPEAL

Notice is hereby given that David Richard Maples, the Appellant abovenamed and who is the Defendant in the cause of action filed in the Eighteenth Judicial District, in and for the County of Gallatin, as Cause No. DC 08-198A, hereby appeals to the Supreme Court of the State of Montana from the final judgment or order entered in such action on the 6th day of October, 2009.

THE APPELLANT FURTHER CERTIFIES:

- 1. That this appeal is not subject to the mediation process required by Mont. R. App. P. 7.
- 2. That this appeal is not an appeal from an order certified as final under Mont. R. Civ. P. 54(b). If this is such an appeal, a true copy of the District Court's certification order is attached hereto as Exhibit "A."

- 3. That the notice required by Mont. R. App. P. 27 will be given, within 11 days of the date hereof, to the Supreme Court and to the Montana Attorney General with respect to a challenge to the constitutionality of any act of the Montana Legislature if applicable to this appeal.
- 4. That all relevant transcripts of the proceedings in this cause have been ordered from the court reporter contemporaneously with the filing of this notice of appeal. If all available transcripts have not been ordered, that Appellant has complied with the provisions of Mont. R. App. P. 8(3) contemporaneously with the filing of this notice of appeal.

Respectfully submitted this 4th day of December, 2009.

OFFICE OF THE STATE PUBLIC DEFENDER Appellate Defender Office 139 N. Last Chance Gulch, 2nd Floor P.O. Box 200145 Helena, MT 59620-0145

Ву: (

JØSLYN HUNT

Chief Appellate Defender

CERTIFICATE OF SERVICE

I hereby certify that I have filed a true and accurate copy of the foregoing Notice of Appeal with the Clerk of the Montana Supreme Court; and that I have served true and accurate copies of the foregoing Notice of Appeal upon the Clerk of the District Court, each attorney of record, and each party not represented by an attorney in the above-referenced District Court action, as follows:

JENNIFER BRANDON Clerk of the District Court 615 South 16th, Room 302 Bozeman, MT 59715-4107

MARTY LAMBERT Gallatin County Attorney 1709 W. College Bozeman, MT 59715

KRISTIN COIL
Court Reporter
Law & Justice Ctr., Rm. 305
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Bozeman, MT 59715

DAVID MAPLES P.O. Box 161363 Big Sky, MT 59716

STEVE BULLOCK Montana Attorney General MARK MATTIOLI Assistant Attorney General 215 North Sanders Helena, MT 59620-1401

DATED: 12/4/09 Sarah J. Brader